UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KENNETH B. DAVIS, JR.,	)	CASE NO. 1:24-cv-1533
	)	
Plaintiff,	)	
	)	JUDGE BRIDGET MEEHAN BRENNAN
v.	)	
	)	
ASHTABULA POLICE DEPARTMENT, *et al.*,	)	**OPINION AND ORDER**
	)	
	)	
Defendants.	)	

Pro se Plaintiff Kenneth Davis, Jr. ("Davis"), who is currently confined in the Cuyahoga County Jail, filed a prisoner civil rights complaint against the City of Ashtabula ("City"), the Ashtabula Police Department ("APD"), and the Ashtabula Municipal Jail ("Jail") pursuant to 42 U.S.C. § 1983. (Doc. 1.) For the following reasons Davis's complaint is DISMISSED. His motion to proceed *in forma pauperis* (Doc. 2) and motion for appointment of counsel (Doc. 3) are DENIED as moot.

I. BACKGROUND

In his complaint, Davis states he "is an opioid user" and was subjected to cruel and unusual punishment while detained by the Ashtabula Police in the Jail. (*Id.* at 3.)[1] During his ten-day stay at the Jail, he was "not treated for alcohol withdrawals" or given "any medical treatment." (*Id.*) According to Davis, the Jail had no medical providers or staff on site. (*Id.*) Davis also states the City of Ashtabula arraigned him without counsel present and "doctored documents" stating otherwise. (*Id.*) For relief, Davis seeks a declaration that his constitutional rights were violated, a preliminary and permanent injunction ordering the City to have medical

[1] For ease and consistency, record citations are to the electronically stamped CM/ECF document and PageID# rather than any internal pagination.

staff at its holding facility, and compensatory and punitive damages totaling $150,000 from each Defendant. (*Id*. at 4.)

II. STANDARD OF REVIEW

Federal district courts are expressly required under 28 U.S.C. § 1915(e) to screen all *in forma pauperis* complaints filed in federal court, and to dismiss before service of any such action that the court determines is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary damages from a defendant who is immune from such relief. *See Hill v. Lappin*, 630 F.3d 468, 470-71 (6th Cir. 2010). The motion to dismiss standard under Fed. R. Civ. P. 12(b)(6) from *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) "governs dismissals for failure state a claim under [28 U.S.C. § 1915A] because the relevant statutory language tracks the language in Rule 12(b)(6)." *Hill*, 630 F.3d at 471. To survive dismissal on initial review, the complaint "must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 570).

III. ANALYSIS

Upon review, the Court finds Davis's complaint fails to state a plausible claim upon which the Court may grant relief. To state a claim under § 1983, a plaintiff must allege a deprivation of a right secured by the Constitution or laws of the United States "committed by a person acting under color of state law." *West v. Atkins*, 487 U.S. 42, 48 (1988). It is well-settled that police departments, jails, and governmental agencies are not legal entities subject to suit under § 1983. *See Boykin v. Van Buren Twp*., 479 F.3d 444, 450 (6th Cir. 2007) ("the Police Department was improperly included as a separate defendant in [a § 1983 case]"); *Marbry v. Corr. Med. Serv*., No. 99-6706, 238 F.3d 422 (Table), 2000 WL 1720959, at *2, 2000 U.S. App.

LEXIS 28072, at *5 (6th Cir. Nov. 6, 2000) (holding a county jail "is not an entity subject to suit under § 1983"). Therefore, regardless of whether Davis sufficiently alleged a constitutional deprivation, his complaint fails to state a plausible 1983 action against APD and the Jail.

Davis's complaint also fails to state a plausible claim against the City. Local governments are subject to suit under § 1983 only when a plaintiff demonstrates that the government's official "policy" or "custom" caused the plaintiff to suffer a constitutional injury. *Winkler v. Madison Cnty*., 893 F.3d 877, 901 (6th Cir. 2018) (citing *Jones v. Muskegon Cnty.*, 625 F.3d 935, 946 (6th Cir. 2010) ("Liability may be imposed on a [government] only when a [government] 'policy' or 'custom' caused the plaintiff's injury and a 'direct causal link' existed between the policy and the purported denial of the right to adequate medical care.")). A plaintiff must (A) identify the municipal policy or custom,[2] (B) connect the policy to the municipality, and (C) show that his particular constitutional injury was "incurred due to execution of that policy." *Brawner v. Scott Cnty., Tenn.*, 14 F.4th 585, 598 (6th Cir 2021) (citation omitted).

Davis alleges he was denied adequate medical care while incarcerated in the Jail and denied counsel at his arraignment. (*See* Doc. 1 at 3.) He has not alleged or identified any official "policy" or "custom" of the City, much less facts from which a reasonable inference could be drawn that any constitutional violation was linked to, or caused by, such a policy or custom. Davis's bare allegations that he was denied medical care and counsel are insufficient to state a plausible municipal policy claim against the City under § 1983.[3]

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[2] "To show the existence of a municipal policy or custom, a plaintiff can identify: (1) the municipality's legislative enactments or official policies; (2) actions taken by officials with final decision-making authority; (3) a policy of inadequate training or supervision; or (4) a custom of tolerance or acquiescence of federal violations." *Winkler*, 893 F.3d at 901 (citing *Baynes v. Cleland*, 799 F.3d 600, 621 (6th Cir. 2015)).

[3] Further, because he is no longer incarcerated in the Jail where he alleges unconstitutional conduct took place, Davis's requests for declaratory and prospective injunctive relief are moot.

IV. CONCLUSION

For the foregoing reasons, Davis's complaint is DISMISSED pursuant to 28 U.S.C. § 1915A. In light of this dismissal, it is not necessary to address Davis's pending motions (Docs. 2, 3), which are DENIED as moot. The Court further certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be good faith.

IT IS SO ORDERED.

Date: April 29, 2025

BRIDGET MEEHAN BRENNAN
UNITED STATES DISTRICT JUDGE

See Kensu v. Haigh, 87 F.3d 172, 175 (6th Cir. 1996) (holding prisoner's claim for declaratory and injunctive relief rendered moot when he was no longer housed at the facility giving rise to lawsuit).